

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

CORNELIUS BROWN, et al.,)	
)	
Plaintiffs,)	
)	
v.)	No. 4:20-cv-01016-AGF
)	
SANTANDER USA,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter comes before the Court on its own motion. On December 14, 2020, the Court directed plaintiffs to either file a motion for leave to proceed in forma pauperis, or pay the required filing fee. (Docket No. 2). The Court also ordered plaintiffs to file an amended complaint on a Court-provided form. Plaintiffs were given thirty days in which to respond, but have failed to comply with either directive. Therefore, for the reasons discussed below, this action will be dismissed without prejudice. *See* Fed. R. Civ. P. 41(b).

Background

Plaintiffs are self-represented litigants who filed the instant action on July 28, 2020. (Docket No. 1). The submitted document was titled “[Memorandum] of Points and Authorities in Support of Verified Answer Counter Claim and Petition to Vacant Repossession, Set Aside Default and Affidavits I [Been] Rob[bed].” The document was not on a Court-provided form. In it, plaintiffs appeared to complain about a loan they had taken out from Santander USA. Plaintiffs did not file a motion for leave to proceed in forma pauperis, or pay the required filing fee.

On December 14, 2020, the Court ordered plaintiffs to either submit a motion for leave to proceed in forma pauperis, or pay the required filing fee. Plaintiffs were also ordered to file an

amended complaint on a Court-provided form. *See* E.D. Mo. L.R. 2.06(A) (“All actions brought by self-represented plaintiffs or petitioners should be filed on Court-provided forms”). The Court ordered plaintiffs to comply within thirty days. They were advised that a failure to comply within that timeframe would result in the dismissal of this action without prejudice and without further notice.

Discussion

As noted above, on December 14, 2020, plaintiffs were ordered to either file a motion for leave to proceed in forma pauperis or pay the filing fee. They were also ordered to submit an amended complaint on a Court form. Plaintiffs were given thirty days in which to comply. Responses to the Court were due on January 13, 2021. In the order, the Court advised plaintiffs that failure to comply would result in the dismissal of this action without prejudice and without further notice.

The deadline for plaintiffs to comply with the Court’s December 14, 2020 order has expired. In fact, the Court has given plaintiffs more than thirty days in which to respond. Nonetheless, plaintiffs have failed to either submit a motion for leave to proceed in forma pauperis or pay the filing fee, and have failed to submit an amended complaint on a Court form, as directed. They have also failed to file a motion with the Court seeking an extension of time in which to comply. Indeed, since plaintiffs’ initial filing, the Court has had no further communication with them whatsoever.

Under Rule 41(b), an action may be dismissed for failure to comply with a court order. *See* Fed. R. Civ. P. 41(b); and *Brown v. Frey*, 806 F.2d 801, 803 (8th Cir. 1986) (stating that district court may dismiss a pro se litigant’s action for failure to comply with a court order on its own initiative). Because plaintiffs have not complied with the Court’s order of December 14, 2020, or

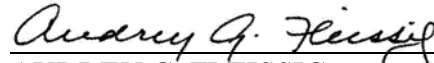
filed any type of motion seeking an extension of time in which to comply, the Court will dismiss this action without prejudice.

Accordingly,

IT IS HEREBY ORDERED that this action is **DISMISSED** without prejudice for failure to comply with the Court's order of December 14, 2020. *See* Fed. R. Civ. P. 41(b). A separate order of dismissal will be entered herewith.

IT IS FURTHER ORDERED that an appeal from this dismissal would not be taken in good faith.

Dated this 29th day of January, 2021.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE